

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Tamara K. Higgs,

Civil 09-3337 (RHK/FLN)

Plaintiff,

ORDER

v.

Michael J. Astrue,,

Defendant.

Based upon the undersigned's de novo review of Magistrate Judge Franklin L. Noel's Findings of Fact, Conclusions of Law, and Recommendation dated December 23, 2010, and upon all the files, records, and proceedings herein, **IT IS ORDERED:**

1. Plaintiff's Objection (Doc. No. 15) is **OVERRULED**;
2. The Report and Recommendation (Doc. No. 14) is **ADOPTED**;
3. Plaintiff's Motion for Summary Judgment (Doc. No. 6) is **DENIED**;
4. Defendant's Motion for Summary Judgment (Doc. No. 9) is **GRANTED**; and
5. The Commissioner's decision is **AFFIRMED** and the case is **DISMISSED WITH PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 10, 2011

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge